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FILING DATE APPLICATION NO. FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 08/941,459 MORIKAWA 09/30/97 T 05058/58201 **EXAMINER** LM31/1202 SIDLEY & AUSTIN POKRZYWA, J 717 NORTH HARWOOD ART UNIT PAPER NUMBER SUITE 3400 DALLAS TX 75201-6507 2722 DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

12/02/99

Advisory Action

Application No.

Applicant(s)

08/941,459

Morikawa, Takeshi

Examiner

Joseph Pokrzywa

Group Art Unit 2722



THE PERIOD FOR RESPONSE: (check only a) or b)] a) \(\text{Normal} \) \(\text{Arrival} \) \	· · · · · · · · · · · · · · · · · · ·	
b carpies either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response soprie later than six months from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed responses and the appropriate fear. The date on which the response, included the form the response here the purposes of date mainting the period of axtension and the corresponding amount of the fact the fear and show the period of axtension and the corresponding amount of the fact of the pursuant to 37 CFR 1.17 will be excludated from the fact of the vice of Appeal filed on	THE PERIOD FOR RESPONSE: [check only a) or b)]	
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but is NOT deemed to place the application in condition for allowance: The proposed amendment(s): will be entered upon filing of a Notice of Appeal and an Appeal Brief. will not be entered because: they raise new issues that would require further consideration and/or search. (See note below). they raise the issue of new matter. (See note below). they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal. they present additional claims without cancelling a corresponding number of finally rejected claims. NOTE: The added limitations in claims 4, 13, 23, and 28, with the selection prohibiting controller "comparing the state of at least two frames, as determined by the state decision controller" and prohibiting selecting an inoperable mode based on the "result of said comparison" raises new issues (see attachment). Applicant's response has overcome the following rejection(s): Newly proposed or amended claims	Appellant's Brief is due two months from the date of the Notice of Appeal filed on (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).	
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☐ Other EDWARD I. COLES SUPERVISORY PATENT EXAMINER	☐ The proposed drawing correction filed on ☐ has ☐ has not been approved by the Examiner.	
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	☐ Other EDWARD I. COLES SUPERVISORY PATENT EXAMINER	

Advisory Action

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DETAILED ACTION

Advisory Action

1. The period for response continues to run SIX MONTHS from the date of the final

rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a)

accompanied by the proposed response and the appropriate fee. The date on which the response,

the petition, and the fee have been filed is the date of the response and also the date for the

purposes of determining the period of extension and the corresponding amount of the fee.

Response to Amendment

2. The amendment filed 11/23/99 under 37 CFR 1.116 in response to the final rejection has

been considered but is not deemed to place the application in condition for allowance and will not

be entered because:

The proposed amendment raises new issues that would require further consideration

and/or search.

Regarding twice amended **claim 4**, the limitations of the selection prohibiting controller

for "comparing the state of at least two frames, as determined by the state decision controller"

and automatically prohibiting selecting an inoperable mode based on the "result of said

comparison", requires an additional search, as the addition of these limitations raises new issues.

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Regarding twice amended **claim 13**, the limitations of the selection prohibiting controller for "comparing the state of at least two frames, as determined by the state decision controller" and automatically prohibiting selecting an inoperable mode based on the "result of said comparison", requires an additional search, as the addition of these limitations raises new issues.

Regarding twice amended **claim 23**, the limitations of the selection prohibiting controller for "comparing the state of at least two frames, as determined by the state decision controller" and automatically prohibiting selecting an inoperable mode based on the "result of said comparison", requires an additional search, as the addition of these limitations raises new issues.

Regarding twice amended **claim 28**, the limitations of the selection prohibiting controller for "comparing the state of at least two frames, as determined by the state decision controller" and automatically prohibiting selecting an inoperable mode based on the "result of said comparison", requires an additional search, as the addition of these limitations raises new issues.

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Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner

can normally be reached on Monday through Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Edward Coles, can be reached on (703) 305-4712. The fax phone number for this Group is

(703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700.

Joseph R. Pokrzywa

December 1, 1999

EDWARD L. COLES

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JPERVISORY PATENT EXAMINE

GROUP 2700